

# **EXHIBIT 43**

## **Redacted Excerpts from Deposition of Joe Silva**

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CUNG LE; NATHAN QUARRY, JON )  
FITCH, on behalf of )  
themselves and all others )  
similarly situated, )

Plaintiffs, )

vs. )

ZUFFA, LLC, d/b/a Ultimate )  
Fighting Championship and )  
UFC, )

Defendant. )

Case No.  
2:15-cv-01045-RFB- (PAL)

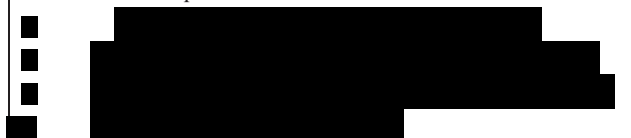


VIDEOTAPE DEPOSITION OF JOSEPH SILVA

Richmond, Virginia

June 7, 2017

8:11 a.m.

Reported by:  
KIMBERLY L. RIBARIC, RPR, CCR  
JOB NO. 50374

<p style="text-align: right;">350</p> <p>1 <b>SILVA</b></p> <p>2 <b>you wouldn't renegotiate until the eighth fight on</b></p> <p>3 <b>the deal?</b></p> <p>4 A. You wouldn't have to.</p> <p>5 <b>Q. You wouldn't have to. Right.</b></p> <p>6 A. There was many who did; where you'd just</p> <p>7 look at it and go, your accomplishments outweigh</p> <p>8 where you're at on here, so we will -- let's</p> <p>9 renegotiate early.</p> <p>10 <b>Q. I see.</b></p> <p>11 A. But you did not actually have to.</p> <p>12 <b>Q. You didn't have to. All right.</b></p> <p>13 <b>And part of what you were proposing here is</b></p> <p>14 <b>locking fighters coming off the TUF show into longer</b></p> <p>15 <b>term contracts; is that right?</b></p> <p>16 A. No.</p> <p>17 <b>Q. No?</b></p> <p>18 A. It was the exact same length of time.</p> <p>19 <b>Q. The same length of time.</b></p> <p>20 A. The other ones were three-year-period type</p> <p>21 of contracts what the exact time was. But it was to</p> <p>22 reflect -- it's like, no, this is how much it would</p> <p>23 break down to per fight. But actually they could</p> <p>24 also get through this contract a lot faster. The</p> <p>25 original TUF contracts simply had an end date on it</p>	<p style="text-align: right;">352</p> <p>1 <b>SILVA</b></p> <p>2 document as Silva Exhibit 35.</p> <p>3 (Silva Deposition Exhibit 35 marked for</p> <p>4 identification.)</p> <p>5 <b>Q. So Silva 35 is a document entitled Minimum</b></p> <p>6 <b>Fighter Pay January 2015, UFC, and it bears the Bates</b></p> <p>7 <b>range ZFL-0895314 through 5317.</b></p> <p>8 <b>And the first page has this Fighter</b></p> <p>9 <b>Compensation Overview chart, and then the second page</b></p> <p>10 <b>of the document has Moving the Minimum.</b></p> <p>11 <b>Have you seen this document before?</b></p> <p>12 A. I don't know that I've seen it.</p> <p>13 <b>Q. Look at under Moving the -- do you know who</b></p> <p>14 <b>created it by looking at it?</b></p> <p>15 A. I do not know.</p> <p>16 <b>Q. Okay. Who at Zuffa at this time do you</b></p> <p>17 <b>think would have been the type of person who would</b></p> <p>18 <b>create this kind of document?</b></p> <p>19 A. Maybe Deni.</p> <p>20 <b>Q. Deni who?</b></p> <p>21 A. I actually don't know her last name.</p> <p>22 <b>Q. Okay. Someone named Deni.</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. Who knows Excel or something like that.</b></p> <p>25 A. Yeah, I think kind of just financial stuff,</p>
<p style="text-align: right;">351</p> <p>1 <b>SILVA</b></p> <p>2 unless you fought more than four fights in a year.</p> <p>3 <b>Q. I see.</b></p> <p>4 A. It was just going to end here. Here, if you</p> <p>5 fought rapidly, you could actually burn through the</p> <p>6 contract quicker.</p> <p>7 </p> <p>11 A. Yeah. A better deal than the standard</p> <p>12 four-fight deal.</p> <p>13 <b>Q. For you, for Zuffa?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. Why?</b></p> <p>16 A. That you put the investment of having these</p> <p>17 guys on TV for however long they would. So that's</p> <p>18 why with the old contracts they were under long-term</p> <p>19 contracts. Like, look, it's still -- it -- we're</p> <p>20 getting a good amount of time out of it, so there's</p> <p>21 still that value to us, but it's more fair to the</p> <p>22 fighters, they make more money and can get through</p> <p>23 the contract if they're acted faster.</p> <p>24 <b>Q. Okay. All right.</b></p> <p>25 MR. CRAMER: Like to mark the next</p>	<p style="text-align: right;">353</p> <p>1 <b>SILVA</b></p> <p>2 but not somebody I -- I dealt with a whole lot.</p> <p>3 <b>Q. Okay. All right. All right. So it says</b></p> <p>4 <b>Moving the Minimum.</b></p> <p>5 <b>Do you see that, Fighter Contracts, and then</b></p> <p>6 <b>there's First Contract, Second Contract, Third</b></p> <p>7 </p> <p>8 <b>that under Fighter Contracts in the left, under</b></p> <p>9 <b>Moving the Minimum?</b></p> <p>10 A. Which page?</p> <p>11 <b>Q. The first page -- the page after the chart.</b></p> <p>12 A. Okay. Got it.</p> <p>13 <b>Q. It's 5316.</b></p> <p>14 A. Okay.</p> <p>15 <b>Q. So Fighter Contracts, it says First</b></p> <p>16 <b>Contract, Second Contract, Third Contract.</b></p> <p>17 A. Yes.</p> <p>18 <b>Q. And under First Contract, there is the</b></p> <p>19 <b>current as of January 2015 minimum --</b></p> <p>20 A. Uh-huh.</p> <p>21 </p> <p>23 <b>Do you see that?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. And do you recall that there was a proposal</b></p>

<p style="text-align: right;">354</p> <p>1 <b>SILVA</b></p> <p>2 <b>to potentially change that to make the minimum 10 or</b></p> <p>3 <b>12 or 14?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. Okay. So there was a conversation that you</b></p> <p>6 <b>were a part of to potentially move the minimum in</b></p> <p>7 <b>different ways?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. And what was ultimately decided with regard</b></p> <p>10 <b>to the minimum?</b></p> <p>11 A. Well, this is different than the other</p> <p>12 minimums. As I stated before, there were no</p> <p>13 official, it was just kind of what, you know, I felt</p> <p>14 this should be, and then they looked at it.</p> <p>15 This was an official one that -- I don't</p> <p>16 know if it was Lorenzo or -- it was brought to me,</p> <p>17 going, hey, how about this. And where it was</p> <p>18 different was the bonus for the fighters, and this</p> <p>19 one was -- when I did it before, it wasn't</p> <p>20 retroactive, it was like, all right, well, now I feel</p> <p>21 it's time, so anybody that I'm signing now, this is</p> <p>22 what they'll get, but it didn't affect people who</p> <p>23 were previously signed.</p> <p>24 This changed where nobody would be under a</p> <p>25 10 and 10 who was under contract. That if they were,</p>	<p style="text-align: right;">356</p> <p>1 <b>SILVA</b></p> <p>2 like why would you get more than that.</p> <p>3 <b>Q. Right.</b></p> <p>4 A. But once you got through a contract, it</p> <p>5 could vary. If you just happened to, like, I fought</p> <p>6 three really good guys, three ranked guys, I'm going</p> <p>7 to continue to fight -- face higher-ranked guys than</p> <p>8 that, I deserve a bigger bump than somebody who's</p> <p>9 kind of fighting middle-of-the-pack guys, and that</p> <p>10 was not unusual to happen.</p> <p>11 So it was not any strict -- it's like, okay,</p> <p>12 now the second --</p> <p>13 <b>Q. Right.</b></p> <p>14 A. -- contract is this.</p> <p>15 I think they were just trying to look --</p> <p>16 trying to figure out an average, like, okay, if we</p> <p>17 make these changes, what are some projected costs for</p> <p>18 that.</p> <p>19 <b>Q. Okay. So the first contract tends to be</b></p> <p>20 <b>standard unless there's some particular reason</b></p> <p>21 <b>some --</b></p> <p>22 A. Right. And it's still an average. If</p> <p>23 you're a heavyweight and -- and I wanted you, and --</p> <p>24 and I felt like there was other bidders and I needed</p> <p>25 you, I -- I was not restricted --</p>
<p style="text-align: right;">355</p> <p>1 <b>SILVA</b></p> <p>2 we'd go and give them the bigger contract.</p> <p>3 <b>Q. The 12 and 12, or the 14 and 14?</b></p> <p>4 A. No, just -- like, say, if they were on 8 and</p> <p>5 8 --</p> <p>6 <b>Q. I see.</b></p> <p>7 A. -- which was the minimum before.</p> <p>8 <b>Q. I see.</b></p> <p>9 A. Even if you are already on that, we're going</p> <p>10 to change it and bump you up. Even though you're not</p> <p>11 a new signee. You were at that previously.</p> <p>12 <b>Q. So the first contract, this is sort of the</b></p> <p>13 <b>standard model, first contract is 8 and 8, 10 and 10,</b></p> <p>14 <b>12 and 12, and 14/14; is that right?</b></p> <p>15 A. Yes, at that time.</p> <p>16 <b>Q. And then it was changed to 10 and 10, 12 and</b></p> <p>17 <b>12, 14/14, 16/16?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Okay. And the second contract standard</b></p> <p>20 <b>became 19/19, 22/22, 25/25, 28/28?</b></p> <p>21 A. No. They -- those were just projections</p> <p>22 where they're trying to figure out how much. After</p> <p>23 the -- the first contract's fairly standard.</p> <p>24 <b>Q. I see.</b></p> <p>25 A. Unless you came in with a big reputation,</p>	<p style="text-align: right;">357</p> <p>1 <b>SILVA</b></p> <p>2 <b>Q. Right.</b></p> <p>3 A. -- to that. But if you're just sort of, oh,</p> <p>4 you're an interesting talent but you haven't proven</p> <p>5 anything yet, this is standard.</p> <p>6 <b>Q. This is what you would -- standard, and</b></p> <p>7 <b>that's what you would work from.</b></p> <p>8 <b>And you would deviate from it in the case of</b></p> <p>9 <b>a heavyweight or in the case of someone -- if there's</b></p> <p>10 <b>somebody else bidding for them?</b></p> <p>11 A. Or they just struck me as more special, and</p> <p>12 I know it's like, no, this -- this person --</p> <p>13 especially -- you know, I try to make fair match-ups,</p> <p>14 and if it's your first UFC, your first couple UFCs,</p> <p>15 you're -- you're fighting usually people in that</p> <p>16 similar situation. If you seemed like somebody,</p> <p>17 like, wow, this is a special talent and he could be</p> <p>18 fighting better people sooner, that could also</p> <p>19 affect.</p> <p>20 <b>Q. Okay. I think you said that if there were</b></p> <p>21 <b>somebody else bidding for someone's services, you</b></p> <p>22 <b>might increase your offer a little bit; is that</b></p> <p>23 <b>right?</b></p> <p>24 A. Yeah. If I really wanted them and they</p> <p>25 were, like, I'd love to, but this guy has offered me</p>

<p style="text-align: right;">358</p> <p>1 SILVA</p> <p>2 this, well, all right, you know, all right, I'll</p> <p>3 offer you that.</p> <p>4 <b>Q. So you might -- the fact that someone else</b></p> <p>5 <b>is bidding for their services might cause you to pay</b></p> <p>6 <b>them a bit more, match maybe what they're offered by</b></p> <p>7 <b>somebody else?</b></p> <p>8 A. Yes.</p> <p>9 <b>Q. All right. You can put that document aside.</b></p> <p>10 MR. CRAMER: All right. Like mark the</p> <p>11 next as Silva Exhibit 36.</p> <p>12 (Silva Deposition Exhibit 36 marked for</p> <p>13 identification.)</p> <p>14 <b>Q. Now, apparently the Bates number is cut off</b></p> <p>15 <b>a bit from the exhibit, but I will represent that</b></p> <p>16 <b>this is COX-0072584. This was produced to the</b></p> <p>17 <b>parties by Mr. Cox.</b></p> <p>18 A. Uh-huh.</p> <p>19 <b>Q. It is an April 2015 e-mail exchange between</b></p> <p>20 <b>you and Monte Cox.</b></p> <p>21 A. Uh-huh.</p> <p>22 <b>Q. I think we have talked about him before.</b></p> <p>23 A. Yes.</p> <p>24 <b>Q. And it's about Leo Kuntz?</b></p> <p>25 A. Kuntz, yes.</p>	<p style="text-align: right;">360</p> <p>1 SILVA</p> <p>2 <b>aside.</b></p> <p>3 MR. ISAACSON: I guess I will say</p> <p>4 objection to form. I don't think you meant</p> <p>5 everyone. I think you meant everyone with a</p> <p>6 contract.</p> <p>7 <b>Q. Yeah. Everyone with a contract providing</b></p> <p>8 <b>for 8 and 8, or everyone that would otherwise have</b></p> <p>9 <b>gotten 8 and 8, now got 10 and 10; right?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. So everyone in that situation, either new</b></p> <p>12 <b>people coming in who would otherwise have gotten 8</b></p> <p>13 <b>and 8, or people who were on an 8 and 8, now</b></p> <p>14 <b>increased to 10 and 10; correct?</b></p> <p>15 A. Correct.</p> <p>16 <b>Q. Now, I believe you testified that you tended</b></p> <p>17 <b>to have kind of a compensation structure that you</b></p> <p>18 <b>used for certain fighters but you departed from it</b></p> <p>19 <b>depending upon the circumstances; correct?</b></p> <p>20 A. Correct.</p> <p>21 <b>Q. Okay. So sometimes the -- the situation</b></p> <p>22 <b>warranted for fighters to receive an enhancement on</b></p> <p>23 <b>the standard minimum deal; is that right?</b></p> <p>24 A. That there was first-timers that I brought</p> <p>25 in, and they got better than the standard deal?</p>
<p style="text-align: right;">359</p> <p>1 SILVA</p> <p>2 <b>Q. Kuntz. He was a fighter?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. And you write to him: "We are moving the</b></p> <p>5 <b>minimum wage up to 10 plus 10 and anyone who is below</b></p> <p>6 <b>it is getting bumped up. Merry Christmas early."</b></p> <p>7 <b>And he can't believe it.</b></p> <p>8 <b>So this is what you were explaining before,</b></p> <p>9 <b>that when you moved the minimum from 8 and 8 to 10 to</b></p> <p>10 <b>10, everybody got raised?</b></p> <p>11 A. Correct. And that was not how it happened</p> <p>12 before.</p> <p>13 <b>Q. Right. So previously it wouldn't be</b></p> <p>14 <b>retroactive, and the determination was to increase</b></p> <p>15 <b>the minimums not only going forward but retroactive?</b></p> <p>16 A. Correct.</p> <p>17 <b>Q. So that the minimum now is 10 and 10, and so</b></p> <p>18 <b>everyone who was at 8 and 8, or would have gotten 8</b></p> <p>19 <b>and 8, now starts at 10 and 10?</b></p> <p>20 A. Correct.</p> <p>21 <b>Q. And so everyone's benefitted by that?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Yes?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Okay. All right. You can put that document</b></p>	<p style="text-align: right;">361</p> <p>1 SILVA</p> <p>2 <b>Q. Yeah.</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. Okay. For example, if a fighter was already</b></p> <p>5 <b>ranked when they came in, you might give them</b></p> <p>6 <b>something better than the standard deal?</b></p> <p>7 A. If they were ranked, they would most</p> <p>8 definitely get better rates.</p> <p>9 <b>Q. Did someone have to sign off on deviating</b></p> <p>10 <b>from the standard deal, or --</b></p> <p>11 A. No.</p> <p>12 <b>Q. -- did you do that?</b></p> <p>13 A. It was within reason. Now, I was never</p> <p>14 given any, I just used my better judgment. It's</p> <p>15 like, I feel comfortable doing this, or like, I'm</p> <p>16 going to give this to Dana or Lorenzo.</p> <p>17 <b>Q. I see. So if it was deviating beyond a</b></p> <p>18 <b>certain point, you would defer to Dana and Lorenzo?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. As a general rule of thumb, was it important</b></p> <p>21 <b>that you not allow the compensation paid to fighters</b></p> <p>22 <b>who were similarly situated in terms of ranking and</b></p> <p>23 <b>talent and popularity in the same weight classes to</b></p> <p>24 <b>differ all that much; is that fair?</b></p> <p>25 MR. ISAACSON: Objection to form.</p>

<p style="text-align: right;">362</p> <p>1 SILVA</p> <p>2 A. I would prefer to be able to point out when</p> <p>3 somebody says, why is this the offer that you made</p> <p>4 me, to be able to go, well, this is what other of</p> <p>5 your peers who have accomplished similar things to</p> <p>6 you have gotten and that's why it is in line. That</p> <p>7 certainly made life easier when you could do that and</p> <p>8 more difficult if there was an outlier.</p> <p>9 <b>Q. Fighters and their managers have this sense</b></p> <p>10 <b>of justice; right?</b></p> <p>11 MR. ISAACSON: Object --</p> <p>12 A. I think most human beings --</p> <p>13 <b>Q. Yeah.</b></p> <p>14 A. -- do.</p> <p>15 MR. ISAACSON: Objection to form.</p> <p>16 <b>Q. Like kids, they want to be treated fairly?</b></p> <p>17 A. I would say --</p> <p>18 MR. ISAACSON: Objection to form.</p> <p>19 Argumentative.</p> <p>20 A. I would say they don't want to be treated</p> <p>21 fairly. I would say they want to be treated unfairly</p> <p>22 in their favor.</p> <p>23 <b>Q. In their favor. Okay.</b></p> <p>24 <b>And one of the ways in which you can respond</b></p> <p>25 <b>to a fighter or a manager who wants to be treated</b></p>	<p style="text-align: right;">364</p> <p>1 SILVA</p> <p>2 <b>Bean, "Subject: Bang," dated Wednesday, September 8,</b></p> <p>3 <b>2010, and you say: "He's on his last fight at 14</b></p> <p>4 <b>plus 14. I'll drop that and give him a new deal at</b></p> <p>5 <b>16/16, 18/18, 20/20 and 22/22."</b></p> <p>6 <b>Do you see that?</b></p> <p>7 A. Yes.</p> <p>8 <b>Q. So this is an instance of him being on</b></p> <p>9 <b>the -- his last fight?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. And you saying, let's negotiate a new deal?</b></p> <p>12 A. Uh-huh.</p> <p>13 <b>Q. And that would mean that he wouldn't fight</b></p> <p>14 <b>his last fight at 14 and 14, instead, if he took this</b></p> <p>15 <b>deal, he'd fight the first fight under a new</b></p> <p>16 <b>four-fight deal at 16 and 16; is that right?</b></p> <p>17 A. Correct.</p> <p>18 <b>Q. Okay. And then if you turn to the next</b></p> <p>19 <b>page, Bean counters -- I'm sorry -- yeah, Bean</b></p> <p>20 <b>counters, this is December 8, 2010, he says: "Can I</b></p> <p>21 <b>please ask that if we go ahead and sign for 4 more</b></p> <p>22 <b>fights, he would be able to start at 18 plus 18?"</b></p> <p>23 <b>Do you see that?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. Yeah. And you received this e-mail;</b></p>
<p style="text-align: right;">363</p> <p>1 SILVA</p> <p>2 <b>unfairly in their favor is to say -- is to compare</b></p> <p>3 <b>them to other fighters that you believe are</b></p> <p>4 <b>comparable or are better, and say, look, you're</b></p> <p>5 <b>getting more than this person and -- and he's even</b></p> <p>6 <b>done better than you; is that right?</b></p> <p>7 MR. ISAACSON: Objection to form.</p> <p>8 A. Correct.</p> <p>9 MR. CRAMER: All right. Like to mark the</p> <p>10 next document as Silva Exhibit 37. Thank you.</p> <p>11 (Silva Deposition Exhibit 37 marked for</p> <p>12 identification.)</p> <p>13 <b>Q. All right. This is a December 2010 e-mail</b></p> <p>14 <b>exchange between you and Sven Bean. It bears the</b></p> <p>15 <b>Bates range ZFL-2207629 through 631.</b></p> <p>16 <b>Who is -- and it says, "Re: Bang."</b></p> <p>17 <b>Who is Bang?</b></p> <p>18 A. That would be Bang Ludwig, Duane "Bang"</p> <p>19 Ludwig.</p> <p>20 <b>Q. Fighter?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. Okay. And who is Sven Bean?</b></p> <p>23 A. Sven is his manager.</p> <p>24 <b>Q. Okay. Turn to the last page. This is an</b></p> <p>25 <b>e-mail -- at 631, this is an e-mail that you wrote to</b></p>	<p style="text-align: right;">365</p> <p>1 SILVA</p> <p>2 <b>correct?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. Okay. And then you say to him -- you</b></p> <p>5 <b>respond to him on Wednesday, December 10th, a little</b></p> <p>6 <b>bit later, you say: "I can't give him more. I</b></p> <p>7 <b>didn't cut him after two losses. Then he got the</b></p> <p>8 <b>gift decision against Osipczak. Everybody has it</b></p> <p>9 <b>tough. I have to do what is fair to everyone. You</b></p> <p>10 <b>make what you make based on performance and</b></p> <p>11 <b>popularity. He has been bonused by us as well. I am</b></p> <p>12 <b>giving him a raise to re-sign as it is."</b></p> <p>13 <b>Do you see that?</b></p> <p>14 A. Yes.</p> <p>15 <b>Q. When you say that you have to do what is</b></p> <p>16 <b>fair to everyone, is it -- am I right that what you</b></p> <p>17 <b>mean is that it would be problematic for you to pay</b></p> <p>18 <b>Ludwig more than what comparable fighters in the same</b></p> <p>19 <b>weight class are being paid?</b></p> <p>20 MR. ISAACSON: Objection to form.</p> <p>21 A. Yes. What I'm stating to him is that if --</p> <p>22 coming off of two losses and then a decision win that</p> <p>23 everybody thought he should have lost, that as I'm</p> <p>24 speaking to another fighter who has done better than</p> <p>25 that, and he jumps up that much off of that kind of</p>

<p style="text-align: right;">366</p> <p>1 SILVA</p> <p>2 run, it's like, how would I justify that to the other</p> <p>3 fighter. He could point that out and I'd have to go,</p> <p>4 you have a point there.</p> <p>5 <b>Q. Right. And in general, you believed you had</b></p> <p>6 <b>to adhere as closely as possible to the structure</b></p> <p>7 <b>of -- of compensation so that you didn't confront the</b></p> <p>8 <b>next guy, saying why did you overpay this guy, I'm</b></p> <p>9 <b>better than him; is that fair?</b></p> <p>10 MR. ISAACSON: Objection. Misstates his</p> <p>11 testimony. Objection to form.</p> <p>12 <b>Q. I didn't mean to misstate. So if I said</b></p> <p>13 <b>something you didn't agree with, let me know.</b></p> <p>14 A. I think anytime that you try to renegotiate,</p> <p>15 you're going to give your point of view, the</p> <p>16 manager's job is to give their point of view, and you</p> <p>17 try to work it out.</p> <p>18 For me, I like being able to justify. I</p> <p>19 don't -- I'm not saying here's just random numbers,</p> <p>20 accept them unquestioningly. It's like, here's my</p> <p>21 rationale for it, and it's a rationale that I'm also</p> <p>22 going to have to apply to other people who are</p> <p>23 involved in this as well.</p> <p>24 <b>Q. Right. Your compensation system isn't --</b></p> <p>25 <b>isn't random; that would be a problem for you,</b></p>	<p style="text-align: right;">368</p> <p>1 SILVA</p> <p>2 that I'm offering them. And if you're not performing</p> <p>3 as well, it would make sense that your compensation</p> <p>4 would be below those who are performing well.</p> <p>5 <b>Q. In your experience, fighters want to know</b></p> <p>6 <b>they are being treated -- or you want to be able to</b></p> <p>7 <b>tell fighters that they're being treated fairly</b></p> <p>8 <b>relative to other fighters at similar skill levels</b></p> <p>9 <b>and records; right?</b></p> <p>10 MR. ISAACSON: Objection. Misstates the</p> <p>11 testimony.</p> <p>12 <b>Q. I'm asking. Is that right?</b></p> <p>13 A. I would like people to believe that I am</p> <p>14 dealing with them fairly.</p> <p>15 <b>Q. And one way you -- you convey to them, the</b></p> <p>16 <b>managers and fighters that you're negotiating with,</b></p> <p>17 <b>that you're dealing with them fairly is to honestly</b></p> <p>18 <b>tell them where you believe they fit, their</b></p> <p>19 <b>compensation fits, relative to other fighters at</b></p> <p>20 <b>their level; correct?</b></p> <p>21 MR. ISAACSON: Objection to "their level."</p> <p>22 <b>Q. Is that right?</b></p> <p>23 A. That's correct.</p> <p>24 <b>Q. And you negotiated with hundreds of fighters</b></p> <p>25 <b>during your career at the UFC; correct?</b></p>
<p style="text-align: right;">367</p> <p>1 SILVA</p> <p>2 <b>wouldn't it?</b></p> <p>3 A. Yes.</p> <p>4 <b>Q. When you say "everyone knows what everyone</b></p> <p>5 <b>makes," what do you mean by that?</b></p> <p>6 A. That if I was to increase Bang's contract --</p> <p>7 most of the managers out there -- quite a few of the</p> <p>8 managers anyways, they do research, they're looking</p> <p>9 at what's being posted that the -- what these guys</p> <p>10 are making. So if somebody was to see in his next</p> <p>11 fight the disparity in what he got paid this time as</p> <p>12 opposed to last time, they -- just red flags would go</p> <p>13 up.</p> <p>14 It's like, wait, how, after coming off of</p> <p>15 two losses and a questionable decision, did his pay</p> <p>16 jump up that much, that people look and research</p> <p>17 that.</p> <p>18 <b>Q. Right. And so if you were to jump someone's</b></p> <p>19 <b>pay up above what a comparable person believes they</b></p> <p>20 <b>should be paid, that would cause you problems with</b></p> <p>21 <b>other fighters; right?</b></p> <p>22 MR. ISAACSON: Objection. Form. You're</p> <p>23 being vague.</p> <p>24 A. Yeah, I think that I want to reward</p> <p>25 performance and be able to justify the -- the numbers</p>	<p style="text-align: right;">369</p> <p>1 SILVA</p> <p>2 A. Probably more than a thousand, I would</p> <p>3 think.</p> <p>4 <b>Q. And you experienced often fighters or their</b></p> <p>5 <b>representatives trying to negotiate, as you just</b></p> <p>6 <b>said, using compensation levels of other fighters</b></p> <p>7 <b>they believed were similar to their guy; right?</b></p> <p>8 A. Right. And that can be where you can have a</p> <p>9 difference of opinion of where I'm going, I think</p> <p>10 that he is similar to this guy, this guy, they can</p> <p>11 counter and go, we don't see him as similar to that</p> <p>12 guy, we see him as similar to this guy.</p> <p>13 So then that's -- it's still -- it's a</p> <p>14 matter of opinion. I try to present what I think</p> <p>15 I -- are the facts I have to back up my argument.</p> <p>16 But sometimes in -- there have been times where a</p> <p>17 outlier has been pointed out to me, where I'll go,</p> <p>18 this is what I think is fair because this is what</p> <p>19 other guys -- and they'll make a case of, wait a sec</p> <p>20 now, look what he did here, this is outside of that,</p> <p>21 and I've gone, you've actually got a point, I'll up</p> <p>22 it.</p> <p>23 It's not rare because I usually do my</p> <p>24 homework pretty well on these. But there has been</p> <p>25 occasions like, I missed out on that, you are</p>



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2       correct, I would not want to hurt my credibility by

3       acting like what they have in black and white is not

4       true.

5       **Q. So if you -- if they brought to you like**

6       **what you have described as an outlier, where some**

7       **fighter may have diverted from what you thought they**

8       **should have gotten based on their background and**

9       **their skill level, you'd -- you'd certainly --**

10       **sometimes you would hear it from the fighters or**

11       **their representatives about that outlier; right?**

12       A. Yes.

13       **Q. And if, by creating that outlier, that**

14       **sometimes causes other fight -- you have to then**

15       **raise the compensation then of some other fighters**

16       **because you made that one mistake; is that right?**

17       A. Well -- well, you'd have to -- one, I don't

18       know I'd say it was a mistake. And it's -- it's a

19       matter of opinion. And that I did deals, Sean did

20       deals, Dana did deals, Lorenzo did deals, and

21       everybody's judgment is different. So you have to

22       weigh those in. So that's all people who are getting

23       deals in the UFC.

24       But a manager's job is to negotiate the best

25       deal that they can. And my job is to try to

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1                   SILVA

2       negotiate a deal that I thought was fair.

3       **Q. So if -- if, for example, Shelby had been --**

4       **had been systematically kind of paying fighters a bit**

5       **more than you did or Dana was systematically paying**

6       **comparable fighters a little bit more than you did,**

7       **you then might feel pressure then to kind of pay**

8       **fighters more because you would be hearing from reps**

9       **about comparables from Dana or Shelby; is that right?**

10       A. I'm sure it would be brought up.

11       **Q. So if -- if there are some -- if one of the**

12       **three of you are kind of raising the level per**

13       **equivalent fighter, that's going to put pressure on**

14       **that third person to kind of raise as well?**

15       A. I don't think it's pressure in that me and

16       Sean did the vast majority of deals, and me and Sean

17       were in constant communication every day and knew

18       what each other were doing. So it's not like I was

19       going, Sean, what are you doing here? We knew. But

20       we would still, on our own, choose to, let's move

21       people up, we feel like it's time to do it.

22       So Dana and Lorenzo did do deals, but they

23       did, like I said, maybe 10, 15 percent of deals.

24       **Q. Yeah, if you turn to the first page of this**

25       **document, Bean says: "Can you meet me in the middle?**

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1                   SILVA

2       **You said 16, I asked for 18. Could you agree to 17?"**

3       **He says that towards the bottom.**

4       A. Uh-huh.

5       **Q. And then you say on December 9, 2010: "Not**

6       **trying to be a dick but no. Everyone knows what**

7       **everyone makes. Our purses are public. I have to**

8       **justify everyone's pay to everyone else."**

9       **Do you see that?**

10       A. Yes.

11       **Q. What did you mean by that, "I have to**

12       **justify everyone's pay to everyone else"?**

13       A. I feel it was important in my job to

14       actually engage with people and not just dictate to

15       them. So if somebody was going to say, what about

16       this guy, I would have to engage that and not go, too

17       bad.

18       **Q. Right.**

19       A. I'd have to go, okay, you've got a point,

20       let's try and figure this out. So, yeah, I'm just

21       making him aware of that.

22       **Q. Right. And so you wanted to make sure that**

23       **you did your best to try to make sure that comparable**

24       **fighters with comparable records are getting paid**

25       **comparable amounts; is that fair?**

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1                   SILVA

2       MR. ISAACSON: Objection. Form.

3       A. Yeah, that was my goal.

4       **Q. And one of the reasons why you did that is**

5       **because you had to justify everyone's pay to everyone**

6       **else, and if you -- if you were doing this poorly or**

7       **inefficiently, you'd constantly have fighters**

8       **demanding more money, they'd say, hey, wait, you paid**

9       **this guy this much and that guy that much, and you**

10       **wouldn't be able to justify to them if -- if you**

11       **hadn't been doing this well; is that right?**

12       A. It would just seem unfair to give somebody

13       something that somebody else, equally deserving,

14       didn't get.

15       **Q. And you attempted, at least in your mind, to**

16       **be fair, to impose a sense of equity between the**

17       **different fighters; correct?**

18       A. I did.

19       **Q. All right. You can put that document aside.**

20       MR. CRAMER: Like to mark the next

21       document as Silva Exhibit 38.

22       (Silva Deposition Exhibit 38 marked for

23       identification.)

24       **Q. Silva 38 is a series of e-mails bearing the**

25       **Bates range ZFL-2641095 through 1099. The one at the**



<p style="text-align: right;">374</p> <p>1 <b>SILVA</b></p> <p>2 <b>top is from Kim Lynch to Mr. Silva and Mr. Mersch,</b></p> <p>3 <b>dated October 16, 2007, regarding Ricardo Almeida.</b></p> <p>4 <b>Who is Ricardo Almeida?</b></p> <p>5 A. He was a UFC fighter.</p> <p>6 <b>Q. All right. And Ally Almeida is his wife?</b></p> <p>7 A. Was his wife.</p> <p>8 <b>Q. Was his wife, okay.</b></p> <p>9 <b>And she was his representative at the time?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. Okay. Turn to page 2 of the document. I'd</b></p> <p>12 <b>like to draw your attention to the e-mail in the</b></p> <p>13 <b>middle of the page from you to Ally Almeida.</b></p> <p>14 <b>Do you see that?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Dated Wednesday, October 10, 2007.</b></p> <p>17 <b>This is an e-mail that you sent to</b></p> <p>18 <b>Ms. Almeida; is that right?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. Okay. And you wrote a little bit into the</b></p> <p>21 <b>e-mail: "As I have" -- "as I said, I have 200</b></p> <p>22 <b>fighters under contract and our purses are public. I</b></p> <p>23 <b>have to justify to all my other fighters what I pay</b></p> <p>24 <b>out. There are people under contract to me now that</b></p> <p>25 <b>are not making as much as I offered Ricardo and they</b></p>	<p style="text-align: right;">376</p> <p>1 <b>SILVA</b></p> <p>2 <b>Q. It's a better investment for the UFC if they</b></p> <p>3 <b>have fighters locked up under longer term deals than</b></p> <p>4 <b>shorter term deals?</b></p> <p>5 A. Well, and also with -- if you're insisting</p> <p>6 on that you want a higher than normal amount of</p> <p>7 money, if I go, well, if I normally do four fights,</p> <p>8 how do I justify giving you more than I would for a</p> <p>9 four-fight deal, well, you committed to six fights,</p> <p>10 so that's worth more money to me. You're giving me</p> <p>11 something, I'm giving you something. And to anybody</p> <p>12 who disputes that, I have something I can explain.</p> <p>13 <b>Q. Okay. All right. Please turn to page 29 of</b></p> <p>14 <b>Exhibit Silva 20. It's one of these phone -- here it</b></p> <p>15 <b>is. I'll pull it out for you. It's a text message</b></p> <p>16 <b>compilation.</b></p> <p>17 A. Thank you. What page?</p> <p>18 <b>Q. Exhibit 20, and turn to page --</b></p> <p>19 <b>MR. MADDEN: 29.</b></p> <p>20 <b>Q. -- 29.</b></p> <p>21 <b>So this is from the text message compilation</b></p> <p>22 <b>that Zuffa produced to us from Lorenzo Fertitta. And</b></p> <p>23 <b>on page 29 is a series of texts that begin on</b></p> <p>24 <b>October 4, 2013, at 2:20:59 p.m. Yeah. Okay. So</b></p> <p>25 <b>2:20:59 p.m., there's a text from the 702 number to a</b></p>
<p style="text-align: right;">375</p> <p>1 <b>SILVA</b></p> <p>2 <b>are better known to our fans and have more UFC fights</b></p> <p>3 <b>then he does."</b></p> <p>4 <b>Do you see that?</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. So what did you mean?</b></p> <p>7 A. That I was explaining to her that I thought</p> <p>8 the offer for him was very good, out of the normal, I</p> <p>9 would have to justify that as it is, which was going</p> <p>10 to be an uphill battle, but yet she wanted even more</p> <p>11 than that.</p> <p>12 <b>Q. And this was one of the ways that you told</b></p> <p>13 <b>her you're not going to give her more, is by saying</b></p> <p>14 <b>he's already out of the normal; right?</b></p> <p>15 A. Yes.</p> <p>16 <b>Q. Okay. You say there a little bit above the</b></p> <p>17 <b>part that I read: "If I am building fighters I need</b></p> <p>18 <b>to know that they are going to be with me for a</b></p> <p>19 <b>while."</b></p> <p>20 <b>What did you mean by that?</b></p> <p>21 A. Well, that you're investing in the fighter</p> <p>22 and putting time in getting people to know who they</p> <p>23 are. And if they just fought one fight, then you</p> <p>24 don't know, are they coming back again. That's not</p> <p>25 as good an investment.</p>	<p style="text-align: right;">377</p> <p>1 <b>SILVA</b></p> <p>2 <b>group, that includes several people. Do you see</b></p> <p>3 <b>that?</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And then it says: "What's the situation</b></p> <p>6 <b>with Schaub?"</b></p> <p>7 <b>And then you respond to this group: "He</b></p> <p>8 <b>fought the last fight on his TUF deal. I offered him</b></p> <p>9 <b>new deal and they balked, saying they wanted to talk</b></p> <p>10 <b>to you guys about it. He's not top ten and he wants</b></p> <p>11 <b>more than top ten guys like Stipe and Travis Browne</b></p> <p>12 <b>are making."</b></p> <p>13 <b>And then someone says: "What's the</b></p> <p>14 <b>difference in numbers?"</b></p> <p>15 <b>And you say: "He was making 18 plus 18, and</b></p> <p>16 <b>I offered 21/21, 24/24, 27/27, and 30/30."</b></p> <p>17 <b>And you say also: "Stipe is making 20/20</b></p> <p>18 <b>for the next fight -- for next fight. He beat the</b></p> <p>19 <b>crap out of Roy Nelson. Schaub got knocked out by</b></p> <p>20 <b>Nelson."</b></p> <p>21 <b>Do you see that?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. Do you recall who this conversation was</b></p> <p>24 <b>with? Was Lorenzo a part of this?</b></p> <p>25 A. I'm sure he was.</p>

<p style="text-align: right;">430</p> <p>1 <b>SILVA</b></p> <p>2 A. Yes.</p> <p>3 <b>Q. That's M-A-T-Y-U-S-H-E-N-K-O.</b></p> <p>4 <b>And he's known as Vlad to some?</b></p> <p>5 A. I usually call him Vladimir, but I think</p> <p>6 Nima would refer to him as Vlad.</p> <p>7 <b>Q. Okay. As Vlad.</b></p> <p>8 <b>And this is an e-mail that you sent; is that</b></p> <p>9 <b>right?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. All right. And you say to Nima on April 21,</b></p> <p>12 <b>2010: "That is the fight I am offering. You don't</b></p> <p>13 <b>really get multiple choices. Unless he has some</b></p> <p>14 <b>convincing reason for not accepting the fight, like a</b></p> <p>15 <b>verifiable injury his contract would be extended and</b></p> <p>16 <b>he would have to wait until another show to fight for</b></p> <p>17 <b>turning down a legitimate opponent."</b></p> <p>18 <b>Do you see that?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. And what you were stating was essentially</b></p> <p>21 <b>Zuffa's policy and -- and its contractual rights with</b></p> <p>22 <b>regard to fighters turning down fights; is that</b></p> <p>23 <b>right?</b></p> <p>24 MR. ISAACSON: Objection to form.</p> <p>25 <b>Q. Let me rephrase.</b></p>	<p style="text-align: right;">432</p> <p>1 <b>SILVA</b></p> <p>2 <b>really get multiple choices."</b></p> <p>3 <b>Is it correct that it was not Zuffa's</b></p> <p>4 <b>practice or policy to give fighters multiple choices</b></p> <p>5 <b>on who they fight?</b></p> <p>6 A. That's incorrect.</p> <p>7 <b>Q. It was incorrect; sometimes you did give</b></p> <p>8 <b>them options?</b></p> <p>9 A. Correct, if I had options.</p> <p>10 <b>Q. If you had options, you would give them; if</b></p> <p>11 <b>you didn't, you wouldn't?</b></p> <p>12 A. Correct.</p> <p>13 <b>Q. Let's say a fighter doesn't want to fight</b></p> <p>14 <b>with the UFC anymore and -- so they're just unwilling</b></p> <p>15 <b>to fight. They say, I don't want to fight with the</b></p> <p>16 <b>UFC, I want to fight somewhere else, but they're</b></p> <p>17 <b>still under contract with Zuffa, and they keep</b></p> <p>18 <b>turning down fights. Would it be Zuffa's policy to</b></p> <p>19 <b>invoke this provision to keep them under exclusive</b></p> <p>20 <b>contract with Zuffa?</b></p> <p>21 A. It would -- the decision would be ultimately</p> <p>22 up to Dana and Lorenzo. It's like, what do you want</p> <p>23 to do, this is his stance, and they would make that</p> <p>24 decision.</p> <p>25 <b>Q. It did happen from time to time that there</b></p>
<p style="text-align: right;">431</p> <p>1 <b>SILVA</b></p> <p>2 <b>What were you attempting to convey to</b></p> <p>3 <b>Ms. Safapour in this e-mail?</b></p> <p>4 A. He wanted to fight on that show, in the</p> <p>5 fight that I had available, light heavyweight,</p> <p>6 similar to heavyweight, it's the second smallest</p> <p>7 weight class we have as far as talent. So when</p> <p>8 you're a good guy at that, there's only so many of</p> <p>9 those guys who've already fought each other, it</p> <p>10 greatly limits who are the credible guys you can</p> <p>11 fight.</p> <p>12 It's like, for you to fight on this show,</p> <p>13 the guy that I have for you to fight is Jon Jones.</p> <p>14 That's the option that I have. I don't have a bunch</p> <p>15 of 205 legitimate guys.</p> <p>16 Vlad was a veteran and fought in a bunch of</p> <p>17 big shows at -- at that time, so that was the kind of</p> <p>18 opponent that made sense for him to fight. And it's</p> <p>19 like, if you will not fight Jon Jones, you're going</p> <p>20 to have to fight in another show.</p> <p>21 <b>Q. You write to Ms. Safapour: "That's the</b></p> <p>22 <b>fight I'm offering" --</b></p> <p>23 A. Mister.</p> <p>24 <b>Q. I'm sorry, Mr. Safapour. Thank you.</b></p> <p>25 <b>"That's the fight I'm offering. You don't</b></p>	<p style="text-align: right;">433</p> <p>1 <b>SILVA</b></p> <p>2 <b>were fighters who said, look, I just don't want to be</b></p> <p>3 <b>with UFC anymore; right?</b></p> <p>4 A. Yeah. And I believe that there have been</p> <p>5 people who were released.</p> <p>6 <b>Q. Fair to say that if Zuffa doesn't want to</b></p> <p>7 <b>release them, it doesn't have to in that instance;</b></p> <p>8 <b>correct?</b></p> <p>9 A. I don't believe so.</p> <p>10 <b>Q. In other words, under Zuffa's contracts, if</b></p> <p>11 <b>a fighter didn't want to fight for the UFC anymore</b></p> <p>12 <b>but still was under the exclusive contract with</b></p> <p>13 <b>Zuffa, the fighter would -- the fighter could not get</b></p> <p>14 <b>out of the contract simply by turning down fights;</b></p> <p>15 <b>correct?</b></p> <p>16 A. Correct.</p> <p>17 <b>Q. All right. All right. I asked you earlier,</b></p> <p>18 <b>another topic, some questions about pay-per -- I'm</b></p> <p>19 <b>sorry, some questions about compensation other than</b></p> <p>20 <b>win and show. I want to ask you some other questions</b></p> <p>21 <b>about that.</b></p> <p>22 <b>So in addition to show and win money, there</b></p> <p>23 <b>were other ways in which fighters were compensated by</b></p> <p>24 <b>Zuffa; correct?</b></p> <p>25 A. Correct.</p>

<p style="text-align: right;">434</p> <p>1 SILVA</p> <p>2 <b>Q. Okay. Certain fighters received a share of</b></p> <p>3 <b>Pay-Per-View revenues when they defend -- when</b></p> <p>4 <b>they -- I'm sorry.</b></p> <p>5 <b>Certain fighters received a share of</b></p> <p>6 <b>Pay-Per-View revenues; correct?</b></p> <p>7 A. Correct.</p> <p>8 <b>Q. Who was offered at Zuffa a share of</b></p> <p>9 <b>Pay-Per-View revenues?</b></p> <p>10 A. That would be up to Dana and Lorenzo who</p> <p>11 they're willing to give a share of Pay-Per-View</p> <p>12 revenues to.</p> <p>13 <b>Q. Is it fair to say that only champions</b></p> <p>14 <b>defending their title were given a share of</b></p> <p>15 <b>Pay-Per-View revenues at the UFC?</b></p> <p>16 A. No.</p> <p>17 <b>Q. There were others?</b></p> <p>18 A. There were others. I think if you would</p> <p>19 become a -- a big attraction even without a title,</p> <p>20 you could still be worthy of Pay-Per-View, but it was</p> <p>21 rarer.</p> <p>22 <b>Q. It was rare.</b></p> <p>23 <b>Most of the times that fighters were offered</b></p> <p>24 <b>a share of the Pay-Per-View revenues, they were</b></p> <p>25 <b>defending a title; correct?</b></p>	<p style="text-align: right;">436</p> <p>1 SILVA</p> <p>2 <b>Q. And was that -- that's just for her or that</b></p> <p>3 <b>was -- that was not a general policy?</b></p> <p>4 A. I think most of them were that way, is that</p> <p>5 you needed to be a -- a champion defending your belt</p> <p>6 to get it. Not -- there were some exceptions, but</p> <p>7 for the majority.</p> <p>8 <b>Q. Okay. You can put that aside.</b></p> <p>9 <b>Is it fair to say that fighters frequently</b></p> <p>10 <b>asked for Pay-Per-View cuts in compensation</b></p> <p>11 <b>negotiations?</b></p> <p>12 A. Some do. There's actually quite a few</p> <p>13 fighters who did not care about that because they</p> <p>14 felt that they were not marketable enough that it was</p> <p>15 not enticing to them because they weren't really</p> <p>16 convinced they were going to sell a bunch of</p> <p>17 Pay-Per-Views.</p> <p>18 If you were somebody who -- who had a</p> <p>19 demonstrable popularity, then you feel, it's like</p> <p>20 this is going to be a windfall for me, I will sell a</p> <p>21 bunch of Pay-Per-Views. Not everybody felt they</p> <p>22 would. Some kind of saw themselves as more</p> <p>23 workmanlike, it's like, look, I put in my time and I</p> <p>24 work hard and this and that, I'm not a fan favorite,</p> <p>25 who cares.</p>
<p style="text-align: right;">435</p> <p>1 SILVA</p> <p>2 A. I'd say most, yes.</p> <p>3 MR. CRAMER: I'd like to mark as Silva</p> <p>4 Exhibit 48 the next document.</p> <p>5 (Silva Deposition Exhibit 48 marked for</p> <p>6 identification.)</p> <p>7 <b>Q. This is an e-mail from Shelby to White and</b></p> <p>8 <b>Mr. Silva -- I'm sorry. It's just an e-mail from</b></p> <p>9 <b>Fertitta, Lorenzo Fertitta, to Shelby, cc'd to White</b></p> <p>10 <b>and Silva --</b></p> <p>11 A. Uh-huh.</p> <p>12 <b>Q. -- dated Thursday, March 13, 2014. The</b></p> <p>13 <b>subject is Holly Holm, and it bears the Bates number</b></p> <p>14 <b>ZFL-1005485.</b></p> <p>15 <b>At the top Mr. Fertitta says: "We can get</b></p> <p>16 <b>something done. For ppv bonus she must be</b></p> <p>17 <b>defending."</b></p> <p>18 <b>PPV bonus refers to Pay-Per-View bonus?</b></p> <p>19 A. Yes.</p> <p>20 <b>Q. And was Mr. Fertitta correct that in order</b></p> <p>21 <b>for Holly Holm to get a Pay-Per-View bonus, she had</b></p> <p>22 <b>to be defending a title?</b></p> <p>23 A. He was saying that he was not willing to</p> <p>24 give her Pay-Per-View if she's not a champion</p> <p>25 defending her title.</p>	<p style="text-align: right;">437</p> <p>1 SILVA</p> <p>2 <b>Q. Okay. So I think I asked you briefly about</b></p> <p>3 <b>this, but Zuffa also paid other kinds of</b></p> <p>4 <b>discretionary bonuses?</b></p> <p>5 A. Correct.</p> <p>6 <b>Q. In addition to win and show; correct?</b></p> <p>7 A. Correct.</p> <p>8 <b>Q. Okay. And by "discretionary," the -- these</b></p> <p>9 <b>other bonuses that I'm going to ask you about, other</b></p> <p>10 <b>than win and show, and potentially Pay-Per-View, they</b></p> <p>11 <b>were not contractually required to pay structured or</b></p> <p>12 <b>discretionary bonuses; correct?</b></p> <p>13 A. Correct.</p> <p>14 <b>Q. All right. How were the -- how were these</b></p> <p>15 <b>structured or discretionary bonuses determined?</b></p> <p>16 A. And you're not talking about like the</p> <p>17 end-of-the-night bonuses, you're talking about just</p> <p>18 like up and down -- because we had -- for every show</p> <p>19 you had, like, say \$50,000 bonus for performances of</p> <p>20 the night, for fight of the night, that both would</p> <p>21 get it, so that was standard on every show.</p> <p>22 <b>Q. So every --</b></p> <p>23 A. So that was one kind of bonus.</p> <p>24 <b>Q. So one kind of bonus is a fight-of-the-night</b></p> <p>25 <b>bonus?</b></p>

<p style="text-align: right;">438</p> <p>1 <b>SILVA</b></p> <p>2 A. Correct. We -- and that would go to -- the</p> <p>3 winner would get it, and also the loser would get the</p> <p>4 same amount, because it takes two to tango.</p> <p>5 <b>Q. Right.</b></p> <p>6 A. So they would both get -- they'd get \$50,000</p> <p>7 apiece. And then we'd have two more, they call</p> <p>8 performances. Could be just a great knockout, a</p> <p>9 great submission, just a great, you know,</p> <p>10 performance. But those would also be \$50,000. So</p> <p>11 they give away four \$50,000 bonuses.</p> <p>12 <b>Q. Did Zuffa at some point commit to paying</b></p> <p>13 <b>structured bonuses like this in fighter contracts?</b></p> <p>14 A. No.</p> <p>15 MR. CRAMER: All right. I'd like to mark</p> <p>16 as Silva 49 and 50, a cover e-mail and then an</p> <p>17 attachment. The cover e-mail will be 49 and</p> <p>18 the attachment will be 50.</p> <p>19 (Silva Deposition Exhibit 49 marked for</p> <p>20 identification.)</p> <p>21 (Silva Deposition Exhibit 50 marked for</p> <p>22 identification.)</p> <p>23 <b>Q. So Silva 49 is an e-mail from Denitza</b></p> <p>24 <b>Batchvarova -- or Batchvarova, to Joe Silva.</b></p> <p>25 A. That was the Deni that I referred to</p>	<p style="text-align: right;">440</p> <p>1 <b>SILVA</b></p> <p>2 not in the office, so they most likely were given a</p> <p>3 handout and it was e-mailed to me.</p> <p>4 <b>Q. I see. And you worked -- you didn't work in</b></p> <p>5 <b>Las Vegas?</b></p> <p>6 A. I did for the first almost two years that</p> <p>7 Zuffa -- after they bought the company, I lived in</p> <p>8 Las Vegas, and then I was like, I really miss home.</p> <p>9 <b>Q. And home is Richmond, Virginia?</b></p> <p>10 A. Yes, sir.</p> <p>11 <b>Q. All right. And exhibit -- I'm sorry, what</b></p> <p>12 <b>was the --</b></p> <p>13 MR. MADDEN: Exhibit 50.</p> <p>14 <b>Q. Exhibit 50 is a PowerPoint presentation that</b></p> <p>15 <b>was attached to that e-mail. And there are various</b></p> <p>16 <b>different types of bonuses that are described in this</b></p> <p>17 <b>document.</b></p> <p>18 <b>So the first page says "Discretionary Bonus</b></p> <p>19 <b>Overview." And there's a discussion of how much is</b></p> <p>20 <b>spent on those bonuses.</b></p> <p>21 <b>So one of those bonuses is a</b></p> <p>22 <b>fight-of-the-night bonus; is that right?</b></p> <p>23 A. No. These are different kind of bonuses.</p> <p>24 So you had those of-the-night bonuses --</p> <p>25 <b>Q. Right.</b></p>
<p style="text-align: right;">439</p> <p>1 <b>SILVA</b></p> <p>2 earlier.</p> <p>3 <b>Q. I see. That was Deni. Deni Batchvarova.</b></p> <p>4 <b>And this was received, it says, February 10,</b></p> <p>5 <b>2015, at 9:18 p.m. And it has the Bates number</b></p> <p>6 <b>ZFL-0819625. And the cover e-mail indicates that</b></p> <p>7 <b>it's attaching something entitled Discretionary Bonus</b></p> <p>8 <b>Payments Version -- v02.pptx.</b></p> <p>9 <b>And then the attachment starts at the next</b></p> <p>10 <b>Bates number, so it's ZFL-0819626 through 9631. And</b></p> <p>11 <b>the attachment document is entitled Fighter Bonus</b></p> <p>12 <b>Payments, February 2015.</b></p> <p>13 <b>So did you receive this e-mail and the</b></p> <p>14 <b>attachment in the regular course of your business at</b></p> <p>15 <b>the UFC?</b></p> <p>16 A. Probably. I -- I don't recall for sure, but</p> <p>17 it wouldn't surprise me to get this kind of e-mail.</p> <p>18 <b>Q. Right. And it was addressed to you;</b></p> <p>19 <b>correct?</b></p> <p>20 A. Well, yeah. If it was to me, then I</p> <p>21 definitely got it.</p> <p>22 <b>Q. Yeah. Okay. So you -- you -- do you recall</b></p> <p>23 <b>why Deni sent you this PowerPoint presentation?</b></p> <p>24 A. I'm sure I think being in that I'm the only</p> <p>25 one on it, that it was given to everybody, but I'm</p>	<p style="text-align: right;">441</p> <p>1 <b>SILVA</b></p> <p>2 A. -- then they -- what they -- we would do is</p> <p>3 after a show, generally I would do it -- sometimes</p> <p>4 Sean if, like, he was attending a show that I didn't,</p> <p>5 but I would basically send the card out to Sean,</p> <p>6 Dana, Lorenzo, probably Lawrence and John Mulkey, and</p> <p>7 give my recommendations.</p> <p>8 So everybody who would be on the card, their</p> <p>9 names would be on there, and I'd kind of just</p> <p>10 describe the fight. It's like, this was a great</p> <p>11 fight, this guy did incredible. Maybe he didn't --</p> <p>12 this is for the people who did not get an</p> <p>13 of-the-night bonus. It's like, but they still came</p> <p>14 and still fought hard, so let's give them something</p> <p>15 extra.</p> <p>16 And you just -- I would give my opinions,</p> <p>17 like I think it would be worth this, but ultimately</p> <p>18 it was up to Dana and Lorenzo to finalize and go,</p> <p>19 yes, this is what we will give each one, and I</p> <p>20 wouldn't -- me sending it out, what with my</p> <p>21 recommendations, would be the last that I would hear</p> <p>22 of it.</p> <p>23 So like every now and then a fighter's</p> <p>24 manager would ask me, it's like, oh, did he get a</p> <p>25 bonus? It's like, I -- I don't know what they</p>

<p style="text-align: right;">442</p> <p>1 SILVA</p> <p>2 ultimately approved. You could ask Brad Smuckler in</p> <p>3 finance if he's -- was told to cut a check, but I</p> <p>4 actually -- I don't know. All I know is what I</p> <p>5 recommended.</p> <p>6 <b>Q. So you made a recommendation regarding these</b></p> <p>7 <b>discretionary bonuses, and then Dana and Lorenzo</b></p> <p>8 <b>decided how much to give?</b></p> <p>9 A. Correct.</p> <p>10 <b>Q. And it was -- it was discretionary to them,</b></p> <p>11 <b>and they were the only ones who decided; is that</b></p> <p>12 <b>right?</b></p> <p>13 A. Correct.</p> <p>14 <b>Q. Turn to the second-to-last page of the</b></p> <p>15 <b>document included -- I'm sorry, entitled "Financial</b></p> <p>16 <b>Impact of Moving Minimum Compensation."</b></p> <p>17 <b>I'd like to draw your attention to the</b></p> <p>18 <b>left-hand side of the page. It says: "As of</b></p> <p>19 <b>February 3, 2015 we have 574 athletes under</b></p> <p>20 <b>contract."</b></p> <p>21 <b>Do you see that?</b></p> <p>22 A. Yes.</p> <p>23 <b>Q. And, "Based on upcoming 'to show' money,"</b></p> <p>24 <b>there's a list of the various different athletes and</b></p> <p>25 <b>the levels of their contracts; is that right? Are --</b></p>	<p style="text-align: right;">444</p> <p>1 SILVA</p> <p>2 <b>Q. And fight-of-the-night bonuses go to two</b></p> <p>3 <b>fighters from each event who participated in the best</b></p> <p>4 <b>fight as determined by the group that decides?</b></p> <p>5 A. Correct.</p> <p>6 <b>Q. And the amount of the fight-of-the-night</b></p> <p>7 <b>bonuses are set in advance and is part of the budget</b></p> <p>8 <b>for the event?</b></p> <p>9 A. Correct. There was a time where the bonuses</p> <p>10 varied from show to show, kind of depending on, like</p> <p>11 a bigger show would have a bigger bonus, which is</p> <p>12 something I recommended changing and they did change,</p> <p>13 because you would naturally have people who would not</p> <p>14 want to -- if you were an exciting fighter, who it</p> <p>15 was not unusual for you to win bonuses, why would you</p> <p>16 want to fight on a show where you know the -- the</p> <p>17 ceiling is lower on that show for the bonus you could</p> <p>18 win. So it made more sense, it's like, it's got to</p> <p>19 be across the board, whatever the show is, you got</p> <p>20 the shot at that same bonus.</p> <p>21 <b>Q. I see.</b></p> <p>22 <b>Do you recall in or about what date -- or</b></p> <p>23 <b>year that policy changed?</b></p> <p>24 A. I don't recall the date. But it's been for</p> <p>25 a while that it's been the current, the 50 and 50.</p>
<p style="text-align: right;">443</p> <p>1 SILVA</p> <p>2 are these --</p> <p>3 A. Am I on the right page? Which --</p> <p>4 <b>Q. Page 630.</b></p> <p>5 A. Yes.</p> <p>6 <b>Q. So this is a listing of the various</b></p> <p>7 <b>different athletes that were on contracts that were</b></p> <p>8 <b>at or near -- that had had a fight at or near the</b></p> <p>9 <b>bottom, the minimum. Is that what this is?</b></p> <p>10 A. It looks like it.</p> <p>11 <b>Q. Okay. All right. You can put that document</b></p> <p>12 <b>aside.</b></p> <p>13 <b>Fight of the night is a structured bonus; is</b></p> <p>14 <b>that right?</b></p> <p>15 A. No. It would -- it's something that at the</p> <p>16 end of the night -- it's structured in that every</p> <p>17 show has them.</p> <p>18 <b>Q. Right.</b></p> <p>19 A. But it's not structured as to who gets them.</p> <p>20 It's whatever is decided upon that was the best fight</p> <p>21 of the night. But that --</p> <p>22 <b>Q. And who makes that decision?</b></p> <p>23 A. It would be discussed between me, Dana,</p> <p>24 Lorenzo, Sean. Sometimes it was pretty unanimous,</p> <p>25 and sometimes it was more debated.</p>	<p style="text-align: right;">445</p> <p>1 SILVA</p> <p>2 <b>Q. Okay. And then knockout of the night is</b></p> <p>3 <b>also a discretionary bonus?</b></p> <p>4 A. Well, it used to be called that. We had two</p> <p>5 besides that that they called knockout of the night</p> <p>6 and submission of the night, and then they decided to</p> <p>7 change the name of it to performance. Because</p> <p>8 sometimes you'd have night with no knockouts, and</p> <p>9 maybe, you know, multiple submissions. So it gave</p> <p>10 you a lot more flexibility if you just call it</p> <p>11 performance and it could be anything. Maybe you did</p> <p>12 have a knockout, but there was two way-cooler</p> <p>13 submissions, so you had that flexibility. It's like,</p> <p>14 no, it's -- these are the two best things that</p> <p>15 happened. And it wouldn't be as stuck to that label.</p> <p>16 <b>Q. And when, do you recall, did the knockout of</b></p> <p>17 <b>the night become the performance of the night?</b></p> <p>18 A. A few years ago.</p> <p>19 <b>Q. Okay. And, again, that's a discretionary</b></p> <p>20 <b>bonus that was decided by you and Shelby and White</b></p> <p>21 <b>and Fertitta?</b></p> <p>22 A. Correct. They're all decided at the same</p> <p>23 time, immediately after the fights ended, because</p> <p>24 that would usually be something that would be</p> <p>25 announced at the press conference --</p>





<p style="text-align: right;">450</p> <p>1 SILVA</p> <p>2 There was -- when they did different deals,</p> <p>3 some were --</p> <p>4 MR. ISAACSON: I would object to form,</p> <p>5 "publicly hide his purse," but --</p> <p>6 <b>Q. You said "publicly hide his purse."</b></p> <p>7 <b>Did they find a way to hide his purse from</b></p> <p>8 <b>the public, so that it wouldn't become publicly</b></p> <p>9 <b>known?</b></p> <p>10 A. I don't recall what ended up -- how his deal</p> <p>11 ended up being structured.</p> <p>12 There were people -- side deals kind of came</p> <p>13 about -- especially if you acquired fighters from</p> <p>14 Strikeforce or another thing where their deals are</p> <p>15 just structured differently. So they weren't</p> <p>16 apples-to-apples type of contracts, so you'd get side</p> <p>17 letters, and then for some people like this, where it</p> <p>18 was just an unusual contract for an unusual guy, it's</p> <p>19 like, well, if other guys have side letters, maybe</p> <p>20 that would be a better way to handle that.</p> <p>21 How they handled it in the end, I don't</p> <p>22 know, I would have to see the -- the contract. I</p> <p>23 don't recall.</p> <p>24 <b>Q. And when you said here "to publicly hide his</b></p> <p>25 <b>purse," you mean -- you meant find a way to hide his</b></p>	<p style="text-align: right;">452</p> <p>1 SILVA</p> <p>2 <b>Q. Okay. So this went to Pollack, Fertitta,</b></p> <p>3 <b>Dana White and Lawrence Epstein; is that right?</b></p> <p>4 A. Yes.</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 <b>Do you see that?</b></p> <p>10 A. Yes.</p> <p>11 <b>Q. What did you mean by that?</b></p> <p>12 A. Akiyama was a fighter who was getting paid</p> <p>13 out of the ordinary for his accomplishments because</p> <p>14 we were looking to -- he had value in Korea, which</p> <p>15 was a potential place for us to go, so he was worth</p> <p>16 the money to them, but as far as just at that stage</p> <p>17 of his career what he was accomplishing, the money</p> <p>18 was outsized.</p> <p>19 <b>Q. Relative to what other comparable fighters</b></p> <p>20 <b>at the UFC would get?</b></p> <p>21 A. Correct.</p> <p>22 <b>Q. And that, therefore, if other fighters found</b></p> <p>23 <b>out that this relatively less-accomplished guy would</b></p> <p>24 <b>get this kind of money to show, you said that would</b></p> <p>25 <b>piss off a lot of our guys?</b></p>
<p style="text-align: right;">451</p> <p>1 SILVA</p> <p>2 <b>purse so that it would not be publicly known;</b></p> <p>3 <b>correct?</b></p> <p>4 A. Correct.</p> <p>5 <b>Q. All right. You can put that aside.</b></p> <p>6 MR. CRAMER: Like to mark the next</p> <p>7 document as Silva Exhibit 52.</p> <p>8 (Silva Deposition Exhibit 52 marked for</p> <p>9 identification.)</p> <p>10 <b>Q. Silva Exhibit 52 is a series of e-mails on</b></p> <p>11 <b>one page, bearing the Bates number ZFL-2543576.</b></p> <p>12 <b>And you say on January 29th, 2009, to Jaime</b></p> <p>13 <b>Pollack, Lorenzo Fertitta, Dana BlackBerry, Lawrence</b></p> <p>14 <b>Epstein -- strike that. Let me withdraw that.</b></p> <p>15 <b>Did you send this e-mail on Thursday,</b></p> <p>16 <b>January 29, 2009, to the people identified in the</b></p> <p>17 <b>e-mail?</b></p> <p>18 A. Yes.</p> <p>19 <b>Q. Okay. The subject is Akiyama. Who is that?</b></p> <p>20 A. Akiyama was a Korean fighter.</p> <p>21 <b>Q. And who is Jaime?</b></p> <p>22 A. Jaime Pollack worked for the UFC.</p> <p>23 <b>Q. Dana BlackBerry is just a name for Dana</b></p> <p>24 <b>White's e-mail address?</b></p> <p>25 A. Yes, his BlackBerry e-mail.</p>	<p style="text-align: right;">453</p> <p>1 SILVA</p> <p>2 A. And there were fighters like that, and</p> <p>3 you're trying to explain, it's like this guy delivers</p> <p>4 a country, where you're an American fighter where I</p> <p>5 have 80 percent American fighters, it's not the same</p> <p>6 thing, but they would just see, but I beat these guys</p> <p>7 and he didn't, so -- and that was the reason for the</p> <p>8 difference in pay.</p> <p>9 <b>Q. And then Epstein says to you and others on</b></p> <p>10 <b>January 29th, 2009: "Let's just do a 50K per fight</b></p> <p>11 <b>side letter."</b></p> <p>12 <b>Do you see that?</b></p> <p>13 A. Yes.</p> <p>14 <b>Q. Do you know whether that happened?</b></p> <p>15 A. I -- it said, please write it up, explaining</p> <p>16 it to them, and I'll send it back to them. So I'm</p> <p>17 guessing that they agreed to it.</p> <p>18 <b>Q. So the 50K-per-fight side letter was a</b></p> <p>19 <b>letter of agreement essentially that did not become</b></p> <p>20 <b>public; is that right?</b></p> <p>21 A. Yes.</p> <p>22 <b>Q. And the idea was that -- strike that.</b></p> <p>23 <b>You can put that document aside.</b></p> <p>24 MR. CRAMER: I'd like to mark the next</p> <p>25 document as Silva Exhibit 53.</p>



454

1 SILVA

2 (Silva Deposition Exhibit 53 marked for

3 identification.)

4 Q. Silva 53 is an e-mail from you to Lorenzo

5 Fertitta and Dana, Dana's BlackBerry e-mail address,

6 dated November 24, 2008, and it has the Bates Number

7 ZUF-00332586.

8 This is an e-mail that you sent to Fertitta

9 and Dana White on November 24, 2008; is that right?

10 A. Yes.

11 Q. And the subject was "Money for Vera and

12 Alves."

13 A. Yeah. Alves, yes.

14 Q. Alves. Okay.

15 And these were Filipino fighters; is that

16 right?

17 A. No. Alves is Brazilian.

18 Q. Okay. So Alves is Brazilian and Brandon

19 Vera is Filipino; is that right?

20 A. Correct.

21 Q. And Brandon Vera is one of the plaintiffs in

22 this lawsuit; is that right?

23 A. Correct.

24 Q. Do you know all of the plaintiffs in this

25 lawsuit -- do you know who they are?

455

1 SILVA

2 A. Yes.

3 Q. All right. And both Vera and Alves were UFC

4 fighters?

5 A. Yes.

6 Q. Okay. And you write: "Thiago" -- and

7 that's Thiago Alves?

8 A. Yes.

9 Q. -- "is currently at 32K and 32K. He is on a

10 7 fight win streak and is the number 1 contender to

11 fight the winner of GSP versus B.J. Penn."

12 Do you see that?

13 A. Yes.

14 Q. So he was on a 32 show/32 win contract; is

15 that right?

16 A. Yes.

17 Q. He'd -- he'd won seven in a row. Was that

18 in the UFC?

19 A. Yes.

20 Q. And at that point he was the number one

21 contender to fight GSP -- was that George St-Pierre?

22 A. Yes.

23 Q. The winner of GSP versus B.J. Penn, is that

24 accurate at the top?

25 A. Yes.

456

1 SILVA

2 Q. Okay. And is it fair to say then that

3 Alves's next fight was going to be for the title?

4 A. Possibly likely. That -- that's what I

5 would have liked to have happened.

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 Do you see that?

11 A. Yes.

12 Q. What did you mean by that?

13 A. Well, now you're -- they're willing to

14 extend into a longer deal because they're getting

15 more money.

16 Q. And why would you want to lock someone in

17 for a longer deal if they become a champ?

18 A. The benefits, as we've gone over multiple

19 times, to having somebody under contract is that you

20 can more easily promote fights long-term with them.

21 Q. And you could ensure that if you became

22 champ you'd have them locked up for a longer period

23 of time; correct?

24 A. Yes. That's what this -- the championship

25 tier would do.

457

1 SILVA

2 Q. It's better to lock him in before he becomes

3 a champ than to allow him to become a champ and then

4 potentially use that leverage to negotiate a better

5 deal?

6 A. I would say contractually it's good to have

7 somebody under contract before fighting for a

8 championship.

9 Q. And that's what -- that's what Zuffa tried

10 to do; is that right?

11 A. Well, I offered that as -- and I don't

12 actually remember what strategy they went with. What

13 I'm -- I suggested to them, this is based on the

14 Brandon Vera example beforehand, that you have some

15 fighters who will come to you, as Brandon Vera did,

16 and go, I'm going to be your next champion and

17 because of that I deserve a high level contract;

18 it's -- it's just a no-brainer, it's going to happen,

19 I will be a champion. And then they don't perform at

20 that level. It's like, you were willing to pay them

21 that much money because they promised they would do

22 these things, you thought they would do those things,

23 and they didn't, and now you're stuck with this high

24 contract.

25 That's why for Thiago, I think -- thought

<p style="text-align: right;">478</p> <p>1 SILVA</p> <p>2 THE WITNESS: Thank you.</p> <p>3 MR. ISAACSON: I've got very few</p> <p>4 questions.</p> <p>5 ---</p> <p>6 EXAMINATION</p> <p>7 BY MR. ISAACSON:</p> <p>8 <b>Q. You said you still watch all or almost all</b></p> <p>9 <b>Bellator, UFC, and World Series of Fighting?</b></p> <p>10 A. Correct.</p> <p>11 <b>Q. Okay. You were asked about a couple</b></p> <p>12 <b>unentertaining Bellator matches. Have you watched</b></p> <p>13 <b>entertaining Bellator matches?</b></p> <p>14 A. There's many entertaining Bellator matches.</p> <p>15 Michael Chandler's a super exciting guy. His fights</p> <p>16 with Eddie Alvarez are excellent fights.</p> <p>17 I -- I don't think I've ever seen any MMA</p> <p>18 promotion that did not have exciting fights. It's</p> <p>19 kind of the nature of the sport. And that's why</p> <p>20 people -- people -- we'd have a great show and people</p> <p>21 would come up to me and congratulate me, like, great</p> <p>22 job, and it was kind of puzzling to me. And I just</p> <p>23 always let them know, it's like, I didn't do any</p> <p>24 different a job on this show than I did on that show</p> <p>25 you didn't like so much, you're -- it's kind of in</p>	<p style="text-align: right;">480</p> <p>1 SILVA</p> <p>2 was read to you -- you read or -- or was read to you</p> <p>3 some statements you made on page 5 about this is --</p> <p>4 "That is the fight I am offering, you don't really</p> <p>5 get multiple choices."</p> <p>6 And then on page 4, the first thing Safapour</p> <p>7 -- Safapour says to you is: "Thanks for the e-mail.</p> <p>8 Vlad has never turned down a fight in his entire</p> <p>9 career," and it goes on at some length.</p> <p>10 And then you respond to Mr. Safapour on</p> <p>11 page 3, continuing on to page 4.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 <b>Q. Would you just read in -- read for us what</b></p> <p>15 <b>you said to Mr. Safapour there?</b></p> <p>16 A. Starting with the "Jon is"?</p> <p>17 <b>Q. Yes.</b></p> <p>18 A. "Jon is extremely talented and a hot</p> <p>19 prospect. That is the kind of fight Vladdy needs to</p> <p>20 be in now. His 2 UFC fights have not been exciting</p> <p>21 against lower level competition. Now he is a</p> <p>22 respected vet" -- "he needs a respected veteran</p> <p>23 to" -- that's weirdly worded -- "he's a respected</p> <p>24 veteran to show if Jones is the real deal or not.</p> <p>25 This is Vladdy's big chance to be in the spotlight</p>
<p style="text-align: right;">479</p> <p>1 SILVA</p> <p>2 the hands of the fighters and what they choose to do</p> <p>3 that night.</p> <p>4 But it's a great sport, so hopefully more</p> <p>5 times than not it -- it's exciting. So I've seen</p> <p>6 many exciting -- there's probably -- I probably more</p> <p>7 have critical text about World Series of Fighting,</p> <p>8 some of the fighters that they've used, but they've</p> <p>9 also been some excellent fights in World Series of</p> <p>10 Fighting as well.</p> <p>11 <b>Q. Okay. I'm not going to keep you long.</b></p> <p>12 <b>Can you see if you can dig out 47 out of</b></p> <p>13 <b>this pile.</b></p> <p>14 A. Is it a bigger one, a smaller one?</p> <p>15 <b>Q. It's a big one.</b></p> <p>16 A. 48, 47.</p> <p>17 MR. CRAMER: Which one, 47?</p> <p>18 THE WITNESS: 47?</p> <p>19 MR. ISAACSON: I don't know, it's 47.</p> <p>20 MR. CRAMER: I have it, thank you.</p> <p>21 <b>Q. And this was an e-mail exchange that you</b></p> <p>22 <b>were asked about, some parts of it, with a</b></p> <p>23 <b>Mr. Safapour. Do you remember this?</b></p> <p>24 A. Yes.</p> <p>25 <b>Q. And you were asked about -- you read -- it</b></p>	<p style="text-align: right;">481</p> <p>1 SILVA</p> <p>2 and show the world that he is a contender in this</p> <p>3 weight class and not just a guy picking up a payday.</p> <p>4 If he wants to fight the established big name stars</p> <p>5 he's going to need a win like this to get there."</p> <p>6 <b>Q. All right. And then Mr. Safapour says in</b></p> <p>7 <b>response: "Sounds good, Joe. We will give a great</b></p> <p>8 <b>show for the fans."</b></p> <p>9 A. Yes.</p> <p>10 <b>Q. Is that right?</b></p> <p>11 A. Correct.</p> <p>12 MR. ISAACSON: No more questions.</p> <p>13 MR. CRAMER: Let me just ask you one</p> <p>14 question.</p> <p>15 ---</p> <p>16 RE-EXAMINATION</p> <p>17 BY MR. CRAMER:</p> <p>18 <b>Q. Did you speak with your counsel during the</b></p> <p>19 <b>break after my questions and before Mr. Isaacson</b></p> <p>20 <b>asked -- asked you questions about the subject matter</b></p> <p>21 <b>of the deposition?</b></p> <p>22 A. I don't understand. "The subject matter"?</p> <p>23 <b>Q. Did you have a conversation with</b></p> <p>24 <b>Mr. Isaacson after I finished my questions today</b></p> <p>25 <b>before you came back in the room?</b></p>

<p style="text-align: right;">482</p> <p>1 <b>SILVA</b></p> <p>2 A. Did I speak with him?</p> <p>3 <b>Q. Yes.</b></p> <p>4 A. Yes.</p> <p>5 <b>Q. And did you -- did that conversation concern</b></p> <p>6 <b>the subject matter of the deposition?</b></p> <p>7 <b>Were you talking about the weather or were</b></p> <p>8 <b>you talking about the deposition?</b></p> <p>9 A. I think we were just talking about -- I</p> <p>10 don't know in detail about this deposition, I don't</p> <p>11 understand what you're looking --</p> <p>12 <b>Q. Did he tell you what he was going to ask you</b></p> <p>13 <b>after the break?</b></p> <p>14 A. No. I did not expect this question at all.</p> <p>15 I 100 percent did not anticipate this question.</p> <p>16 <b>Q. The question before that, did he tell you he</b></p> <p>17 <b>was going to ask you that?</b></p> <p>18 A. He had asked me before just if I ever</p> <p>19 enjoyed fights in other organizations.</p> <p>20 <b>Q. All right. Let me ask you about that. You</b></p> <p>21 <b>said you were asked questions about whether you</b></p> <p>22 <b>enjoyed fights in other organizations -- strike that.</b></p> <p>23 MR. CRAMER: I withdraw that question.</p> <p>24 I'm done.</p> <p>25 THE VIDEOGRAPHER: This concludes the</p>	<p style="text-align: right;">484</p> <p>1</p> <p>2 STATE OF _____ )</p> <p>3 ) :ss</p> <p>4 COUNTY OF _____ )</p> <p>5</p> <p>6</p> <p>7 I, JOSEPH SILVA, the witness</p> <p>8 herein, having read the foregoing</p> <p>9 testimony of the pages of this deposition,</p> <p>10 do hereby certify it to be a true and</p> <p>11 correct transcript, subject to the</p> <p>12 corrections, if any, shown on the attached</p> <p>13 page.</p> <p>14</p> <p>15 _____</p> <p>16 JOSEPH SILVA</p> <p>17</p> <p>18</p> <p>19</p> <p>20 Sworn and subscribed to before me,</p> <p>21 this _____ day of _____, 2017.</p> <p>22</p> <p>23 _____</p> <p>24 Notary Public</p> <p>25</p>
<p style="text-align: right;">483</p> <p>1 <b>SILVA</b></p> <p>2 videotaped deposition of Joseph Silva. We're</p> <p>3 off the record at 6:52.</p> <p>4 (Time noted: 6:52 p.m.)</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">485</p> <p>1 CERTIFICATE OF SHORTHAND REPORTER-NOTARY PUBLIC</p> <p>2</p> <p>3 I, KIMBERLY L. RIBARIC, the officer</p> <p>4 before whom the foregoing deposition was taken, do</p> <p>5 hereby certify that the foregoing transcript is a</p> <p>6 true and correct record of the testimony given; that</p> <p>7 said testimony was taken by me stenographically and</p> <p>8 thereafter reduced to typewriting under my direction;</p> <p>9 that reading and signing was requested; and that I am</p> <p>10 neither counsel for, related to, nor employed by any</p> <p>11 of the parties to this case and have no interest,</p> <p>12 financial or otherwise, in its outcome.</p> <p>13 IN WITNESS WHEREOF, I have hereunto set</p> <p>14 my hand and affixed my notarial seal this 21st day of</p> <p>15 June, 2017.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 My commission expires: August 31, 2020</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>